

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF WEST VIRGINIA

JOHN WELDON BURNS,

Plaintiff,

v.

Civil Action No. 1:07CV7

DOMINIC A. GUTIERREZ, SUSAN S.  
MCCLINTOCK, DR. RAMIREZ, MS.  
BLANCO, DR. WATERS, LEWIS  
BRESOACH AND V. FERNANDEZ,

Defendants.

ORDER DENYING MOTION TO DISMISS

On November 6, 2007, the *pro se* Plaintiff moved for "withdrawal" of this action "pursuant to Rule 42(b) of the Federal Rules of Civil Procedure." The Court finds that Fed. R. Civ. P. 42(b) does not apply under these circumstances. Consequently, the Court **DENIES** the motion (dkt. no. 29). If the Plaintiff wishes to re-file this motion, he should cite the proper Rule of Civil Procedure, specify the type of dismissal requested, and state the grounds for the motion.

**ORDER DENYING MOTION TO DISMISS**

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The Clerk is directed to transmit a copy of this Order to the *pro se* plaintiff and appropriate government agencies.

Dated: November 7, 2007

/s/ Irene M. Keeley  
IRENE M. KEELEY  
UNITED STATES DISTRICT JUDGE